IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 1ST JUNE 2007 / 11TH JYAISHTA 1929

Crl.MC.No. 1187 of 2007()

AGAINST THE JUDGEMENT/ORDER IN BA.149/2007
CRIME NO.589/06 OF VALAPATTANAM POLICE STATION.

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PETITIONER: APPLICANT

CHANDRATHIL NIJIL, AGED 22 YEARS,
S/O.NARAYANAN, TAXI DRIVER, NIKHILA NIVAS,
MUTTANNUR, P.O. PATTANNUR, KANNUR DISTRICT.

BY ADV. SRI.C.KHALID
SRI.T.P.SAJID

RESPONDENTS: RESPONDENTS

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1. STATION HOUSE OFFICER,
VALAPATTANAM POLICE STATION.

2. DISTRICT SUPERINTENDENT OF POLICE,
P.O.KANNUR, KANNUR DISTRICT.

3. THE CIRCLE INSPECTOR,
C.B.CID SIG-III, KOZHIKODE.

4. STATE, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 01/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1187 OF 2007

Dated this the 1st day of June , 2007

ORDER

The petitioner is the 7th accused and an F.I.R. has been registered against him and others under Sec.489(B) and (C) of the IPC. According to the petitioner, he was only a taxi driver. The other accused in the case were travelling in his taxi. Counterfeit currency notes were admittedly seized not from the possession of the petitioner; but from the possession of the co-accused. Investigation is dragging on. The alleged incident took place on 6/12/06. Investigation has not been completed. The petitioner is compelled unnecessarily to face the trauma of the investigation. The petitioner has been granted bail as per the order dated 16/1/07. One of the conditions is that the petitioner must appear before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays. He has been scrupulously complying with the

said condition now. He is being pressurised to turn as an approver. The petitioner is not an accused early that there can be no question of his turning of approver, submits the learned counsel for the petitioner. In these circumstances, it is prayed that the investigation in so far as it relates to him may be directed to be quashed. In the alternative, it is prayed that the condition may be deleted and there may be a direction to the police to expeditiously complete the investigation.

2. At this stage of the proceedings and with the available inputs, I do not want to hazard any opinion on the complicity of the petitioner or his entitlement to be dropped from the array of the accused. I am in total agreement with the learned counsel for the petitioner that in the facts and circumstances of this case, police must expeditiously conduct and complete the investigation and must take a decision about the complicity of the petitioner and his liability to be proceeded further against. If there is no material, he deserves to be dropped from the array of parties. The condition which has remained in force from 16/1/07 can certainly be relaxed now.

3. In the result, this petition is allowed in part. It is directed that the police must complete the investigation as

expeditiously as possible and take a decision specifically on the question of complicity of the petitioner. The condition imposed on the petitioner is relaxed. It is directed that the petitioner need appear now before the Investigating Officer between 10 a.m. and 11 a.m. on the first Wednesdays of all English calendar months. Decision on his complicity must be taken by the Investigating Officer as expeditiously as possible – at any rate, within a period of three months from this date.

4. Hand over a copy of this order to the learned counsel for the petitioner.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge